

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**RAYMOND MATTHEW BURTON (13),**

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**CASE NUMBER 6:15-CR-00025-JDK**

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On April 13, 2021, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Raymond Matthew Burton. The government was represented by Lucas Machicek, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Matt Millslagle.

Defendant originally pled guilty to the offense of Conspiracy To Possess With Intent To Distribute and Distribution Of At Least 1.5 Kilograms Of A Mixture Or Substance Containing A Detectable Amount Of Methamphetamine (Actual) and Other Controlled Substances, a Class C felony. The offense carried maximum imprisonment term of 20 years. The United Sentencing Guideline range, based on a total offense level of 25 and a criminal history category of VI, was 110 to 137 months. On August 23, 2016, District Judge Michael H. Schneider sentenced Defendant to 80 months imprisonment followed by a 3 year term of supervised release subject to standard conditions of release, plus special conditions to include allowing access to financial information for the probation officer to monitor lawful employment efforts and participation in a program for testing and treatment of drug abuse. On July 3, 2019, Defendant completed his period

of imprisonment and began service of the supervision term. On January 27, 2021, Defendant's conditions of supervision were modified to include a curfew.

Under the terms of supervised release, Defendant was required to participate in a program of testing and treatment for drug abuse. In its petition, the government alleges that Defendant violated his conditions of supervised release when he failed to report for his counseling appointments on January 5, 2021 and February 25, 2021.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when he failed to report for his counseling appointments on January 5, 2021 and February 25, 2021, Defendant will have committed a Grade C violation. U.S.S.G. §7B1.1(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of VI, the guideline imprisonment range for a Grade C violation is 8 to 14 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the condition of supervised release referenced above by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 14 months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Raymond Burton be committed to the custody of the Bureau of Prisons for a term of imprisonment of 14 months with no supervised release to follow. The Court **FURTHER RECOMMENDS** that the place of confinement be FCI Beaumont, Texas, if available. The parties

waived their objections and therefore this matter will be immediately presented to the district judge for consideration.

**So ORDERED and SIGNED this 13th day of April, 2021.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE